

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA**

CLINTON E. CRAKER and DANA M.  
CRAKER,

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

CIVIL DIVISION

No. 2:11-cv-00225-GLL

**MOTION TO DISMISS**

Defendant, State Farm Mutual Automobile Insurance Company, by and through its attorneys and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, files this Motion to Dismiss. State Farm moves for dismissal of Count III of Plaintiffs' Complaint for failure to state a claim upon which relief may be granted. State Farm also requests that the Court strike Plaintiffs' demand for attorney's fees in Counts I and II and, also, strike the impertinent allegations set forth in paragraphs 50 through 54 of Count I and in paragraphs 63 through 67 of Count II. A Memorandum of Law in Support is filed contemporaneously with this Motion and is incorporated as if fully rewritten herein.

Respectfully submitted,  
ROBB LEONARD MULVIHILL LLP

By: /s/ Daniel L. Rivetti  
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SEGMILLER & MENDICINO, P.C.

/s/ Kathleen A. Segmiller  
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